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DECEMBER 9, 2022 BY RONNIE

Wilfrid Laurier University Files Anti-SLAPP Motion Against Jordan Peterson

Ontario Menu

Surname/Business Name	Given Name	Case Number	Court Location	Case Title	Publication Ban	Detail	Parties
PETERSON	JORDAN	CV18005999710000	Toronto	PETERSON v. RAMBUKKANA et al	N	+	−

Surname/Business Name	Given Name	Type
PETERSON	JORDAN	Plaintiff
RAMBUKKANA	NATHAN	Defendant 1
PIMLOTT	HERBERT	Defendant 2
JOEL	ADRIA	Defendant 3
WILFRID LAURIER UNIVERSITY	N/A	Defendant 4

Surname/Business Name	Given Name	Case Number	Court Location	Case Title	Publication Ban	Detail	Parties
PETERSON	JORDAN	CV18006048430000	Toronto	PETERSON v. WILFRID LAURIER UNIVERSITY	N	−	+

Rep Name:	HOWARD A. LEVITT		
Amount:	$175,000.00	Case Opened Date:	2018-09-11
Most Recent Order Type:	N/A	Most Recent Order Date:	N/A
Next Event:	N/A	Next Event Date:	N/A

Remember the big stories in 2018 when Lindsay Shepherd and Jordan Peterson each sued Wilfrid Laurier University for millions of dollars? There was strangely little to report on for the next 4 years. That's about to change.

Laurier recently filed an anti-SLAPP Motion.

SLAPP is an acronym for strategic lawsuit against public participation. These are a specific type of suit, ones that are brought (or alleged to have been brought) for the purpose of shutting down public discourse. Laurier's Motion Record can be obtained from the Ontario Superior Court, and it's interesting.

Turns out, there's more to the story.

Lindsay Shepherd sued Laurier in 2018 for a total of $3.6 million. Among other things, she claimed that her prospective career in academia had been ruined by her experience. The suit named: (a) the school itself; (b) Nathan Rambukkana, a professor of communications studies; (c) Herbert Pimlott, also a professor of communications studies; and (d) Adria Joel, the acting manager of gendered violence prevention and support.

June 18, 2018, Jordan Peterson filed a $1.5 million suit against the same Defendants as Shepherd: (a) Wilfrid Laurier; (b) Rambukkana; (c) Pimlott; and (d) Joel. He announced it online as well, making sure there was public knowledge.

Peterson did something else, which was cited in Court papers: he admitted he brought the suit for purposes other than what was filed. He said that he wanted Wilfrid Laurier to be more careful in how they talk about people, and also, that he didn't think they learned their lesson. These statements have the potential to haunt him later on.

Given how public the suits from Shepherd and Peterson were, the school felt compelled to respond in the same manner. They announced that they thought these proceedings — in particular, Peterson's — were being used to stifle discussion.

What the Defendants were doing was setting up a defense under Section 137.1 of the Courts of Justice Act. This has been on the books since 2015.

> Prevention of ***Proceedings that Limit Freedom of Expression on Matters of Public Interest*** (Gag Proceedings)
> Dismissal of proceeding that limits debate
> Purposes
> 137.1 (1) The purposes of this section and sections 137.2 to 137.5 are,
> (a) to ***encourage individuals to express themselves on matters of public interest***;
> (b) to ***promote broad participation*** in debates on matters of public interest;
> (c) to discourage the use of ***litigation as a means of unduly limiting expression*** on

> matters of public interest; and
> (d) to ***reduce the risk*** that participation by the public in debates on matters of public interest ***will be hampered by fear of legal action***.

Anti-SLAPP legislation exists in Ontario, and other jurisdictions — to prevent the Courts from being weaponized on issues of public interest. The Defendants were going for the argument that this is exactly what was happening with Peterson.

Peterson then decided to sue Wilfrid Laurier a second time.

Note: there is an error with the Court display. The second lawsuit is actually worth $1,750,000, not the $175,000 that is listed.

There is actually a second lawsuit on file for Jordan Peterson. It was filed September 11, 2018. He claims that Laurier's defense (claiming he brought the initial suit to silence public discussion) amounts to *further* defamation. He sued again, but this time, it was only against the school itself.

Statements of Defense have been filed concerning both of Peterson's lawsuits. The first was on August 31, 2018, and the second was on October 11, 2018.

Apparently, publicly raising an anti-SLAPP defense in a public case amounts to further defamation. It's unclear what made Peterson think this was a good idea.

Anyhow, the university entered some of their correspondence into evidence, and it's very interesting. All of this is available in the Motion Record. This anti-SLAPP Motion appears to only address the *second* lawsuit. A likely reason is that this would be a much easier target to get thrown out.

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing in response to your email dated February 10, 2021.

We note that we did not state that your clients health issues "are resolved". Further, we are not attempting to "take advantage of his health" in any way. We simply stated that it appears, from what we have seen in the media, that your client is now able to continue on with the proceedings which he commenced. We note the following:

(i) he has recently authored a new book, which is scheduled to go on sale in March 2021;

(ii) he has resumed hosting his podcast, and has recent released episodes with individuals such as Matthew McConaughey (January 10, 2021) and Greg Hurwitz (January 18, 2021);

(iii) he has participated in a number of media interviews in advance of his book launch – for example, with the *Sunday Times* in a story published January 31, 2021; and

(iv) On February 5, 2021, he tweeted from his personal Twitter account that he goes for a daily 10 mile walk throughout the City of Toronto.

Given these activities, it appears as though your client is able to participate in the defendants' motions pursuant to section 137.1 of the *Courts of Justice Act*. We would therefore ask you once again to provide us with your availability to attend at Civil Practice Court, to schedule these motions. Please advise if you are available on any of the following dates, and we will endeavour to schedule this attendance with the Court:

March 10, 16, 17 and 30, 2021.

Dear Mr. Levitt:

Re: Wilfrid Laurier University ats. Peterson
Court File #: CV-18-00599971-0000 and CV-18-00604843-0000

We are writing with respect to both of the above-noted actions. You will recall that we have received instructions to proceed with a motion in each action to have your client's claims dismissed, pursuant to section 137.1 of the *Courts of Justice Act*.

We had previously agreed to adjourn our Civil Practice Court attendance, due to your client's health issues. It appears from recent media reports that he is now able to continue on with these proceedings.

We have been in contact with the motion scheduling office, and been advised that the following Civil Practice Court dates are available for a remote attendance: March 10, 16, 17 and 30, 2021. Please advise of your availability, and we will proceed to schedule the attendance at Civil Practice Court.

Thank you, Mr. Levitt, and we look forward to hearing from you.

Yours very truly,

Thomas Gold Pettingill LLP
per:

Alexander D. Pettingill/Sean Murtha
ADP/SM/sm

From: Danielle M. Malone <dmalone@blacksutherland.com>
Sent: Tuesday, March 16, 2021 8:01 AM
To: Howard Levitt <hlevitt@lscslaw.com>
Cc: Sean Murtha <smurtha@tgplawyers.com>; Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: Re: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Thank you. I appreciate that there may be some scheduling challenges but this motion has been on hold for a long time at Mr. Peterson's request and it is important to my clients that it move forward.

I do appreciate you speaking to Mr. Peterson again about coordinating a flexible process.

Sincerely,
Danielle

Sent from my iPhone

Danielle Malone
Partner
Black, Sutherland LLP
130 Adelaide Street West
Suite 3425, P.O. Box 34

Black | Sutherland LLP

From: Danielle M. Malone <dmalone@blacksutherland.com>
Sent: Monday, March 15, 2021 9:58 AM
To: Howard Levitt <hlevitt@lscslaw.com>; Sean Murtha <SMurtha@tgplawyers.com>
Cc: Alexander Pettingill <apettingill@tgplawyers.com>; Michelle Vucic <mvucic@blacksutherland.com>
Subject: RE: Laurier University ats Peterson; Court File Nos.: CV-18-00599971-0000 and CV-18-00604843-0000

Good morning counsel,

I am just following up on this matter. Mr. Levitt, I appreciate your comments with respect to Mr. Peterson's health issues and am sympathetic to the concerns indicated. To that end, my clients are prepared to be flexible and accommodating with respect arranging a timetable and procedure for the anti-SLAPP motion. I'm sure that between our three offices we can find a workable plan – for example, if stamina is an issue perhaps cross examinations could be broken into shorter amounts of time over multiple days.

Perhaps a call between counsel makes sense at this stage to see if we can find some common ground in terms of procedure and timing. I think all of our clients would agree that having this

According to the correspondence submitted in the Motion Record, Laurier's lawyers have found it strange that Peterson has apparently had prolonged health problems. After all, he has been keeping busy with:

- Authoring another book
- Hosting a podcast
- Participating in media interviews to promote his book
- Walking several miles a day

It was reasoned that if Peterson is able to do these, then he should be willing to make himself available to be questioned (deposed).

Depositions are routine in major lawsuits. They are also common in anti-SLAPP Motions. Peterson would have to swear out an Affidavit outlining the damages he suffered, and would then be subject to cross-examination. However, this apparently hasn't happened.

One can speculate as to his motives, but it seems Peterson has bent over backwards to avoid having to testify under oath, or give evidence.

If he were to discontinue the case, it would be a huge blow to his pride. It would be far worse if his cases (either of them) were dismissed as SLAPPs. Having a Judge rule that Peterson commenced litigation to silence public discourse would destroy his reputation as a "free speech champion".

Peterson can't bring himself to admit what he did. But he knows the consequences of losing. Therefore, the only option may be to drag it out indefinitely. It's worth noting that Ontario Superior Court typically dismisses cases that haven't been set down for Trial after 5 years, unless good cause it shown. Both of his suits are well past the 4 year mark.

And what happened when Peterson sued Laurier the first time? This!

Lindsay Shepherd
@NewWorldHominin
Hey does everyone remember @Laurier profs Rambukkana and Pimlott, who brought me into a discliplinary meeting (which I recorded) where they accused me of transphobia & threatening trans ppl & breaking the law becuz I played a clip from public television?
They're suing me!

This 2018 tweet from Lindsay Shepherd is pretty comical. After suing her university for $3.6 million, Peterson decides to pile on with another $1.5 million claim. It never seemed to dawn on her that the school might try to defend itself.

By "suing her", what Laurier actually did was file a 3rd Party Claim. This is a form of a defense, where a Defendant states that they are not responsible for alleged damages, but

someone else is. In this case, the school takes the stance that Peterson should actually be suing Shepherd. They have a valid point.

She secretly recorded a private conversation, and turned it into an international story. Regardless of the nonsense in that meeting, she chose to make it public.

Shepherd's $3.6 million lawsuit doesn't appear to have gone anywhere either.

Free speech absolutism also doesn't seem to be a factor. Peterson has shown he's perfectly okay with de-platforming identitarians, who hold views he disapproves of. The above video was of Faith Goldy being disinvited to a free speech panel. It makes a mockery of the principles he claims to hold.

While Rambukkana, Pimlott and Joel acted like clowns in 2017, Peterson shouldn't be celebrated. He has demonstrated that he's quite willing to use the legal system as a weapon.

In the Summer of 2021, Peterson advocated for people to suspend judgement on the lockdown measures that were being implemented across the globe. Vaccine passports were implemented shortly afterwards. Gee, it's almost as if he knew this would happen.

Despite his reputation, he's hardly a freedom champion.

Peterson was also denounced as a limited hangout years ago for his refusal to address more complex and controversial subjects. Search "I can't do it" for just one example of that.

But They Compared Me To Hitler….

In various interviews, Peterson never seems to tire pointing this out. Yes, it was unprofessional, and yes, inappropriate. But there comes a point where he needs to move on.

*Business: Autographed rugs, books, and photographs; online personality tests; private Skype sessions, etc.
Patreon: $960,000 / year
Book sales: $1,560,000 / year
Speaking: $3.7 - $5.3 million (2018)
Business*: $2.4 million / year

Peterson has admitted becoming extremely wealthy in the last few years. He went from being an unknown to a household name in a very short amount of time. The incident with Shepherd and Wilfrid Laurier helped immensely.

He would be hard pressed to demonstrate how that November 2017 meeting caused him damages. And remember, it was private. It only became public after Shepherd leaked the audio.

One of the things Plaintiffs in anti-SLAPP Motions must do is prove they have suffered meaningful damages as a result of the speech or expression. If they are just nominal or non-existant, such suits are supposed to be dismissed. This is probably the reason he keeps delaying the case.

This development was covered in the National Post, but the Motion Record wasn't included.

The Motion should be heard in 2023, to dismiss the second Peterson suit.

What will happen to his first lawsuit? If this initial anti-SLAPP Motion prevails, it seems likely that Laurier will file another to get the original case thrown out. Peterson could potentially lose 2 anti-SLAPP rulings when this is over.

That said, Peterson is now a multimillionaire, so the legal fees shouldn't be a burden.

(1) Wilfrid Laurier University Anti-SLAPP Motion Record
(2) https://www.justiceservices.jus.gov.on.ca/MyAccount/screens/CaseLookup/CSLKUP001.xhtml
(3) https://www.canlii.org/en/on/laws/stat/rso-1990-c-c43/latest/rso-1990-c-c43.html#sec137.1_smooth
(4) https://www.youtube.com/watch?v=PkNv4LFpGf4
(5) https://www.youtube.com/watch?v=a8zLcMGCedA
(6) https://www.youtube.com/watch?v=PfjQeLn0hyI
(7) https://www.youtube.com/watch?v=WXYuqrO8LLo
(8) https://nationalpost.com/news/canada/jordan-peterson-lawsuit-wilfrid-laurier?

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